that currently results from the reinvestment provision.

Several commenters also predicted that the change would not have a negative effect on national banks' safety and soundness. One commenter suggested that the proposed rule might promote safety and soundness by allowing bank management increased flexibility in its use of part 24 investment proceeds.

Several commenters indicated that the proposed change would decrease the cost or burden associated with part 24 compliance. These comments generally were made with regard to low-income housing tax credits for which determining compliance with the reinvestment provision may be cumbersome. One commenter noted that the reinvestment requirement furthers the misperception that public welfare investments are adverse to bank profitability.

One commenter opposed the proposal based on a concern that it might result in fewer part 24 investments. This commenter suggested that the OCC monitor the level of national bank public welfare investments on an ongoing basis to assess whether the change made by this final rule yields the anticipated results.

Discussion of the Final Rule

In this final rule, the OCC adopts the proposal and removes the reinvestment requirement from part 24. The OCC believes that removal of the reinvestment provision will further the basic objective of section 24 (Eleventh) by encouraging banks to make more investments. The OCC also believes that the change made by this final rule is consistent with bank safety and soundness. It will enable a bank to use profits, dividends, and other distributions from its part 24 investments for any purpose based upon an overall assessment by the bank's management of its financial needs and public welfare investment objectives.

Removing the reinvestment requirement will encourage banks to make investments that promote the public welfare. It will not, however, constrain a bank's use of investment proceeds nor hamper its ability to ensure the sound operation of the bank as a whole.

The OCC will continue to monitor public welfare investment levels and trends, as it has since public welfare investments were specifically authorized by part 24. Based on this monitoring, the OCC periodically will evaluate the effectiveness of part 24, as amended.

Regulatory Flexibility Act

It is hereby certified that this final rule will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. The final rule will reduce somewhat the regulatory burden on national banks, regardless of size, by removing the requirement that a national bank must reinvest the proceeds of its public welfare investments.

Executive Order 12866

The OCC has determined that this final rule is not a significant regulatory action under Executive Order 12866.

Unfunded Mandates

The OCC has determined that this final rule will not result in expenditures by state, local, and tribal governments, or by the private sector, of more than $100 million in any one year. Accordingly, a budgetary impact statement is not required under section 202 of the Unfunded Mandates Reform Act of 1995.

Effective Date

This final rule will become effective on January 1, 1996. The final rule will apply to profits from both existing and new public welfare investments. Thus, public welfare investment profits, dividends, tax credits, interest, and other distributions that a national bank earns prior to January 1, 1996, but which the bank has not reinvested by January 1, 1996, do not have to be reinvested. In addition, public welfare profits, dividends, tax credits, interest, and other distributions that a national bank earns after January 1, 1996, which stem from a public welfare investment undertaken by the national bank prior to January 1, 1996, will not have to be reinvested. Finally, profits, dividends, tax credits, interest, and other distributions from a public welfare investment undertaken after January 1, 1996, will not be subject to the reinvestment requirement.

The Administrative Procedure Act (5 U.S.C. 553(d)(1)) (APA) states that a substantive rule shall not be published less than 30 days before its effective date unless the rule grants or recognizes an exemption or relieves a restriction. Because the current regulation restricts the manner in which a national bank can use its pubic welfare investment returns and the final rule removes this restriction, this final rule satisfies the terms of the APA's exception to the requirement for a delayed effective date.

In addition, section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994 generally restricts the effective date of Federal banking agency regulations that impose additional reporting, disclosure, or other new requirements on insured depository institutions. The OCC believes that section 302 is not applicable to this final rule because the final rule does not impose any additional reporting, disclosure, or other new requirements on national banks. Instead, this final rule removes the current reinvestment requirement.

List of Subjects in 12 CFR Part 24

Community development, Credit, Investments, National banks, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set forth in the preamble, part 24 of title 12, chapter I, of the Code of Federal Regulations is amended as set forth below:

PART 24—COMMUNITY DEVELOPMENT CORPORATION AND PROJECT INVESTMENTS

1. The authority citation for part 24 continues to read as follows:

Authority: 12 U.S.C. 24 (Eleventh), 93a, 161, 481 and 1818.

§ 24.4 [Amended]

2. Paragraph (a)(2) of § 24.4 is amended by adding at the end of the paragraph ''and''.

3. Paragraph (a)(3) of § 24.4 is amended by removing ''; and'' at the end of the paragraph and adding a period.

4. Paragraph (a)(4) of § 24.4 is removed.

Dated: December 15, 1995.

Eugene A. Ludwig,

Comptroller of the Currency.

[FR Doc. 95–31020 Filed 12–27–95; 8:45 am]

BILLING CODE 4810–33–P

FEDERAL RESERVE SYSTEM

12 CFR Part 211

[Regulation K; Docket No. R–0896]

International Operations of United States Banking Organizations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: This final rule amends Subpart A of Regulation K (International Operations of U.S. Banking Organizations) to provide expanded general consent authority for investments in foreign companies by

U.S. banking organizations that are strongly capitalized and well managed. This expanded authority is designed to permit U.S. banking organizations meeting these requirements to make larger investments without the need for prior approval or review. Certain investments or activities, however, are not eligible for the expanded authority. The final rule requires an investor making use of the expanded authority to provide the Board with certain information after an investment has been made. In addition, for those investments requiring prior notice to the Board, the rule would streamline the processing of such notices.

EFFECTIVE DATE: December 21, 1995.

FOR FURTHER INFORMATION CONTACT: Kathleen M. O'Day, Associate General Counsel (202/452–3786), Sandra L. Richardson, Managing Senior Counsel (202/452–6406), Jonathan D. Stoloff, Senior Attorney (202/452–3269), or Andres L. Navarrete, Attorney (202/452–2300), Legal Division; William A. Ryback, Associate Director (202/452–2722), Michael G. Martinson, Assistant Director (202/452–2798), or Betsy Cross, Manager (202/452–2574), Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System. For the users of Telecommunication Device for the Deaf (TDD) *only*, please contact Dorothea Thompson (202/452–3544), Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Subpart A of the Board's Regulation K sets out the rules governing the foreign activities of U.S. banking organizations, including procedures for making investments in foreign banking and non-banking organizations. Under section 211.5(c), all such investments, whether made directly or indirectly, are required to be made in accordance with the general consent, prior notice, or specific consent procedures contained in that paragraph. 12 CFR 211.5(c). No prior notice or application is required for any investment that falls within the general consent authority. Such authority at present is limited to investments where the total amount invested in any one organization, in one transaction or a series of transactions, does not exceed the lesser of $25 million or 5 percent of the investor's Tier 1 capital where the investor is a member bank, bank holding company, or Edge corporation engaged in banking.[1]

On September 25, 1995, the Board requested public comment on a proposed rule that would expand the general consent authority for strongly capitalized and well-managed banking organizations. 60 FR 49350. The expanded general consent authority (expanded authority) was intended to reduce the burden associated with obtaining approval for such investments for U.S. banking organizations meeting these requirements. The comment period ended on October 30, 1995. The Board received nine public comments on the proposal. Comments were submitted by six banking organizations and three trade associations. The Board has considered the comments and, as a result of its further review, has made several changes to address these comments in the final rule.

The final rule removes the current $25 million cap on general consent investments, which is currently the binding constraint on such investment in almost all cases, and instead ties the expanded general consent limits to the capital of the investor. An aggregate limit on investments made in any 12-month period under the expanded authority is established. The final rule also specifies the nature of investments eligible for the expanded authority, as well as the types of activities that may be conducted by the organization in which the investment is to be made. Comments received regarding each of these areas are discussed below.

Investor Eligibility for Expanded General Consent

The final rule limits the expanded general consent authority to those investors that are strongly capitalized and well managed. The expanded authority is available for investments by member banks, bank holding companies, Edge corporations that are not engaged in banking, and agreement corporations. The expanded authority is available only where the investor, its parent member bank, if any, and the bank holding company are strongly capitalized and well managed, as those terms are defined by the Board. *Strongly capitalized*, in relation to member banks, is defined with reference to the definition of ''well capitalized'' set out in the prompt corrective action standards, which requires, at a minimum, a 6 percent tier 1 and 10 percent total risk-based capital ratio and a leverage ratio of 5 percent.[2] 12 CFR 208.33(b)(1). Edge or agreement corporations and bank holding companies are required to have a total risk-based capital ratio of 10 percent or more in order to be considered strongly capitalized for purposes of the expanded authority.

One commenter asked for clarification with respect to the applicability of the capital tests, maintaining that the capital requirement should apply only to the investor and entities that control the investor. Section 211.5(c)(2)(i)(F) of the proposed rule indicates that this is in fact the requirement.

Another commenter pointed out that risk-based capital ratios have not been applicable previously to Edge corporations not engaged in banking. The Board notes this comment but considers that calculating such a ratio would not impose an undue burden on those investors seeking to utilize the expanded authority.

The definition of *well managed* included in the proposed rule provided that, in order to be considered well managed, the Edge or agreement corporation, its parent member bank, if any, and the bank holding company must each have received a composite rating of at least 1 or 2, with no component below 3, at its most recent examination or review. Comments submitted advocated relying solely upon the composite rating for purposes of the ''well managed'' definition. The final rule incorporates this change. However, an additional element also has been incorporated in the definition to clarify that any investor that is under a formal supervisory action would be ineligible to take advantage of the expanded authority. The Board believes the existence of any such supervisory action would be indicative of managerial deficiencies such that the expanded authority should not be available.

Individual Investment Limit

Limits were proposed on the expanded authority that were tied to the level of capital of the investor. For Edge or agreement corporations, the relevant limits were proposed to be no more than the lesser of 20 percent of the Edge or agreement corporation's tier 1 capital or 2 percent of the tier 1 capital of its parent member bank. For member banks and bank holding companies, the proposed limit was no more than 2 percent of tier 1 capital.

One commenter proposed that the limit be raised to at least 2.5 percent of total capital. Several commenters noted that the existing general consent authority in Regulation K sets the limit at 5 percent of tier 1 capital, and advocated retention of the higher limit.

[1] In the case of an Edge corporation not engaged in banking, the relevant general consent limit is the lesser of $25 million or 25 percent of its Tier 1 capital.

[2] The member bank also may not be subject to any written agreement, order, capital directive, or prompt corrective action directive issued by the Board to meet and maintain a specific capital level for any capital measure. 12 CFR 208.33(b)(1).

The Board notes, however, that the current limit is expressed as *the lesser of* $25 million or 5 percent of tier 1 capital; the $25 million limit on general consent investments has proved to be the constraining factor, particularly for U.S. banking organizations that would meet the strongly capitalized standard. The Board believes that a general consent limit of 5 percent of tier 1 capital, in the absence of an absolute dollar cap, would be too high even for organizations that are strongly capitalized and well managed because an initial capital investment in, for example, a subsidiary, may be leveraged many times resulting in a potential total exposure far in excess of the initial 5% of capital. The Board has therefore decided to retain the proposed 2 percent limit in the final rule.

In response to a comment seeking clarification that the existing authorization for general consent investments will continue to be available, the Board notes that the expanded authority is parallel authority for making investments by banking organizations that meet the strongly capitalized and well managed standards. As is clear from section 211.5(c)(2)(i)(B) and (C) of Regulation K, however, the limits on investment in any one organization apply on a cumulative basis over time and include investments made under the existing as well as the expanded authority.

Several commenters argued that expanded authority should be available for additional investments in existing subsidiaries. The Board notes that, as indicated in section 211.5(c)(2)(iv)(D) of the final rule, using the expanded authority for making additional investments in existing subsidiaries and joint ventures is permissible under the terms of the final rule, subject to the investment limits and the other investment restrictions.

Aggregate Investment Limit

The proposed rule provided for an overall aggregate investment limit on all investments made during the previous 12-month period under the existing and the expanded authority. Under this limit, all such investments, when aggregated with the proposed investment, may not exceed the lesser of 50 percent of the Edge or agreement corporation's total capital or 5 percent of the parent member bank's total capital, in the case of an Edge or agreement corporation, or 5 percent of its total capital, in the case of a member bank or a bank holding company. A number of commenters supported the Board's position that the aggregate limits apply only to general consent investments and not to investments made pursuant to prior notice or specific consent.

However, one commenter argued that investments made under existing general consent authority should not count toward the aggregate limit because once the aggregate limit is reached, prior notice would be required for small investments representing little risk to the investor. The Board agrees that the additional regulatory burden associated with including investments made under the existing general consent authority in calculating the aggregate limits outweighs any supervisory benefits. Accordingly, the aggregate limit shall apply only to investments made under the expanded general consent authority.

The proposal also provided that, in determining compliance with the aggregate limits and in order to avoid double counting of investments, an investment in a subsidiary shall be counted only once notwithstanding that such subsidiary may, within the next 12 months, downstream all or part of such investment to another subsidiary. Several commenters argued for a longer time period in which to make downstream investments or that no time limit should be imposed. The Board believes the 12 month time limit should be retained as it strikes an appropriate balance between easing regulatory burden and maintaining adequate oversight, given that the condition of a banking organization may change over time. Supervisory views regarding downstreaming investments also may change over time in light of changed circumstances.

One commenter argued that downstream investments should not be subject to the individual investment limits as well as the aggregate investment limits. However, the Board believes that supervisory concerns regarding the need to monitor diversification of investments in view of any changed circumstances relating to the investor means that the limits on investments in one organization should include downstream investments.

Finally, a commenter argued that restructurings (through the contribution of an investment from one affiliate to another) should also be encompassed within the same exclusion as that provided for downstream investments. The Board notes in response to this comment that Regulation K already provides general consent authority for transfers among affiliates at net asset value.

Eligible Investments

The proposal limited the types of investments eligible for the expanded authority, as well as the types of activities that may be conducted by the organization in which the investment is to be made. Ineligible investments included an investor's initial entry into a foreign country, the establishment or acquisition of an initial subsidiary bank in a foreign country, investments in general partnerships or unlimited liability companies, and an acquisition of shares or assets of a corporation that is not an affiliate of the investor. Exclusion of the latter type of acquisition was intended to limit the expanded authority to investments in de novo subsidiaries (including subsequent investments in such subsidiaries) by excluding the acquisition of going concerns.

Commenters requested clarification as to whether additional investments made in existing subsidiaries and joint ventures would be eligible investments under the expanded authority. The final rule authorizes investments in existing subsidiaries and joint ventures, provided they meet the remaining criteria for eligible investments and the criteria for eligible activities.

Several commenters opposed the proposal's exclusion of initial acquisitions of going concerns from the expanded investment authority. However, the Board continues to believe such exclusion is appropriate in light of the potential additional risk associated with such investments. These risks are greater than simply the amount of capital invested, extending also, for example, to the value and quality of the acquired organization's assets. The Board therefore considers that prior notice of such an investment is appropriate.

Several commenters argued that the acquisition or establishment of an initial bank subsidiary in a foreign country should be permissible without prior notice to the Board where the investor already has a branch in that country. The Board believes that such a change may be inconsistent with its responsibility as home country supervisor under the Minimum Standards for Supervision of Internationally Active Banks established by the Basle Supervisors Committee, in those cases where the Board has not previously approved or reviewed the establishment of a significant subsidiary bank in that country. The Minimum Standards contemplate that the home country supervisor should specifically authorize any outward expansion by a bank, both to inform the home country

supervisor of the intention of the bank to operate in another country and to provide the host supervisor with the comfort that the home supervisor does not object to the expansion and takes responsibility for the supervision of the branch or subsidiary bank. Consequently, the Board believes it is appropriate to retain the prior notice requirement for establishment of an initial subsidiary bank in another country under the expanded authority.

Post-investment Notice

The proposal required an investor making use of the expanded authority to provide the Board with a post-investment notice within 10 business days of making the investment. However, the Board requested comment on whether the requirements relating to the post-investment notice could be incorporated into existing reporting requirements.

Several commenters argued the post-investment notice would be unnecessary and inconsistent with the goal of reducing regulatory burden, particularly since investors are required to report acquisitions of shares in foreign organizations on an existing Federal Reserve form (F.R. 2064) by the end of the month following the month in which the investment was made. Commenters maintained that the Board already has sufficient information to monitor investments in foreign subsidiaries through existing reporting and examination authority. Based upon the comments, the Board has decided to eliminate the 10 business day notice requirement. However, the Board has determined that certain limited additional information that is not at present provided in the FR 2064 is required to be submitted; such information may be submitted on the same schedule as the FR 2064, namely, by the end of the month following the month in which the investment was made.

The Board agrees with those commenters who argued that additional information should be limited to cover specific areas of potential risks regarding investments made under the expanded general consent authority and accordingly has narrowed the information that would be required to be submitted following exercise of the expanded authority. More specifically, the information that would be required under the final rule is limited to: the respective responsibilities of the parties if the investment is a joint venture; one year projections for the organization in which the investment is made; and, where the investment is to redress a loss, a description of the reasons for the loss and the steps taken to address the problem. This would provide to the Board the minimum information necessary to monitor any additional risks posed by such investments.

One commenter requested clarification as to whether or not the post-investment notice is intended to cover investments made pursuant to the existing general consent authority, which would make the proposal more restrictive than the present requirements for general consent investments. The Board notes that the post-investment notice would be required only in relation to investments made under the expanded authority.

In response to another comment, the Board wishes to clarify that investments in newly established companies are not precluded by the restriction on the acquisition of shares or assets of an organization that is not an affiliate or joint venture of the investor.

Processing Procedures

The final rule incorporates the change in processing procedures indicating that the 45 day period commences upon receipt of the notice or application to invest in a foreign company. Commenters generally supported this change in processing procedures.

Finally, one commenter noted generally that Regulation K is a technically difficult regulation and expressed concern that the proposed revisions, by incorporating additional technical language, would have the side effect of further diminishing the readability of the regulation. The Board notes that the five year review of Regulation K mandated by the International Banking Act of 1978 is now underway. Ways in which Regulation K may be simplified will be considered during the course of that review.

Regulatory Flexibility Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*), the Board certifies that this final rule will not have a significant economic impact on a substantial number of small entities that are subject to the regulation.

Pursuant to 5 U.S.C. 553(d), this amendment to Regulation K will become effective immediately. This final rule grants an exemption for certain U.S. banking organizations, and therefore the Board waives the 30 day general requirement for publication of a substantive rule.

Paperwork Reduction Act Analysis

In accordance with section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Ch. 35; 5 CFR 1320 Appendix A.1), the Board reviewed the rule under the authority delegated to the Board by the Office of Management and Budget.

The collection of information requirements in this regulation are found in 12 CFR 211.5(c). The submission of this information is mandatory under sections 25 and 25A of the Federal Reserve Act (12 U.S.C. 601–604(a) and 611–631) and sections 4(c)(13), 4(c)(14), and 5(c) of the Bank Holding Company Act (12 U.S.C. 1843(c)(13), 1843(c)(14) and 1844(c)) to evidence compliance with the requirements of Regulation K. The Federal Reserve uses the information to monitor the international operations of U.S. banking organizations, and to fulfill its supervisory responsibilities under Regulation K. The respondents are banks, bank holding companies, and Edge and agreement corporations.

The Federal Reserve may not conduct or sponsor, and an organization is not required to respond to, this information collection unless it displays a currently valid OMB control number. The OMB control number is 7100–0107.

No comments specifically addressing the estimate burden were received.

The Federal Reserve estimates that, based on 1995 data, 10 responses per year will be filed by U.S. banking organizations under the expanded general consent authority. Currently, the investments that will be permitted under expanded general consent require prior notification on the form for International Applications and Prior Notifications under Subparts A and C of Regulation K (FR K–1; OMB No. 7100–0107). The estimated burden for each prior notification can range from 1 to 10 hours, depending on its complexity. Under the revised rule, an investor will no longer submit information prior to the investment; instead, it will submit limited information regarding specific areas of potential risks of the investment after the investment is made. The volume of this information will vary depending on the type of investment; the annual burden per respondent is estimated to be .5 hours, on average. Based on an hourly cost of $20, the annual cost to the public is estimated to be $100. There are no start up costs or capital costs.

The information collected is not deemed confidential. The applying organization has the opportunity to request confidentiality for information that it believes will qualify for a Freedom of Information Act exemption.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to:

Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, DC 20551; and to the Office of Management and Budget, Paperwork Reduction Project (7100–0107), Washington, DC 20503.

List of Subjects in 12 CFR Part 211

Exports, Federal Reserve System, Foreign banking, Holding companies, Investments, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Board of Governors amends 12 CFR Part 211 as set forth below:

PART 211—INTERNATIONAL BANKING OPERATIONS (REGULATION K)

1. The authority citation for Part 211 is revised to read as follows:

Authority: 12 U.S.C. 221 *et seq.*, 1818, 1841 *et seq.*, 3101 *et seq.*, 3901 *et seq.*

2. Section 211.2 is amended by redesignating paragraphs (u) and (v) as paragraphs (v) and (w), respectively, and by adding new paragraphs (u) and (x) to read as follows:

§ 211.2 Definitions.

* * * * *

(u) *Strongly capitalized* means:

(1) In relation to a parent member bank, that the standards set out in 12 CFR 208.33(b)(1) are satisfied; and

(2) In relation to an Edge or Agreement corporation or a bank holding company, that it has a total risk-based capital ratio of 10.0 percent or greater.

* * * * *

(x) *Well managed* means that the Edge or Agreement corporation, its parent member bank, if any, and the bank holding company have each received a composite rating of 1 or 2 at its most recent examination or review and are not subject to any supervisory enforcement action.

3. Section 211.5 is amended by:

a. Redesignating paragraphs (c)(2) and (c)(3) as paragraphs (c)(3) and (c)(4) respectively and by adding a new paragraph (c)(2); and

b. In newly designated paragraph (c)(3), by removing the word ''accepted'' in the third sentence and adding in its place the word ''received''.

The addition reads as follows:

§ 211.5 Investments and activities abroad.

* * * * *

(c) * * *

* * * * *

(2)(i) *Expanded general consent for de novo investments.* Notwithstanding the amount limitations of paragraph (c)(1) of this section, but subject to the other limitations of this section, the Board grants expanded general consent authority for investments in an organization by an investor that is strongly capitalized and well managed if:

(A) The activities of the organization are limited to activities in which a national bank may engage directly or in which a subsidiary may engage under paragraph (d) of this section;

(B) In the case of an investor that is an Edge corporation that is not engaged in banking or an Agreement corporation, the total amount invested in such organization (in one transaction or a series of transactions) does not exceed the lesser of 20 percent of the investor's Tier 1 capital or 2 percent of the Tier 1 capital of the parent member bank;

(C) In the case of a bank holding company or member bank investor, the total amount invested in such organization (in one transaction or a series of transactions) directly or indirectly does not exceed 2 percent of the investor's Tier 1 capital;

(D) All investments made, directly or indirectly, by an Edge corporation not engaged in banking or an Agreement corporation during the previous 12-month period under paragraph (c)(2) of this section, when aggregated with the proposed investment, would not exceed the lesser of 50 percent of the total capital of the Edge or Agreement corporation, or 5 percent of the total capital of the parent member bank;

(E) All investments made, directly or indirectly, by a member bank or a bank holding company during the previous 12-month period under paragraph (c)(2) of this section, when aggregated with the proposed investment, would not exceed 5 percent of its total capital; and

(F) Both before and immediately after the proposed investment the investor, its parent member bank, if any, and any parent bank holding company are strongly capitalized and well managed.

(ii) *Determining aggregate investment limits.* For purposes of determining compliance with the aggregate investment limits set out in paragraphs (c)(2)(i)(D) and (E) of this section, an investment by an investor in a subsidiary shall be counted only once notwithstanding that such subsidiary may, within 12 months of the date of making the investment, downstream all or any part of such investment to another subsidiary.

(iii) *Additional investments.* An investor that makes investments under paragraph (c)(2)(i) of this section may also make additional investments in an organization under the standards set forth in paragraphs (c)(1)(ii), (c)(1)(iii) and (c)(1)(iv) of this section.

(iv) *Ineligible investments.* The following investments are not eligible for the general consent under paragraph (c)(2)(i) of this section:

(A) An investment in a foreign country where the investor does not have an affiliate or a branch;

(B) The establishment or acquisition of an initial subsidiary bank in a foreign country;

(C) Investments in general partnerships or unlimited liability companies; and

(D) An acquisition of shares or assets of an organization that is not an affiliate or joint venture of the investor.

(v) *Post-investment notice.* By the end of the month following the month in which the investment is made, the investor shall provide the Board with the following information relating to the investment:

(A) If the investment is in a joint venture, the respective responsibilities of the parties to the joint venture;

(B) Projections for the organization in which the investment is made for the first year following the investment; and

(C) Where the investment is made in an organization that incurred a loss in the last year, a description of the reasons for the loss and the steps taken to address the problem.

* * * * *

By order of the Board of Governors of the Federal Reserve System, December 21, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–31362 Filed 12–27–95; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 327

Assessments

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule; correction.

SUMMARY: The FDIC published a final rule (60 FR 42680, August 16, 1995) that established a new assessment rate schedule of 4 to 31 basis points for institutions whose deposits are subject to assessment by the Bank Insurance Fund (BIF); widened the assessment rate spread from 8 to 27 points; and established a procedure for adjusting the rate schedule semiannually as necessary to maintain the designated reserve ratio at 1.25 percent. This document corrects three typographical errors in the final rule.